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11/9

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,296	01/21/2004	Takuro Mita	03500.017852	1290

5514 7590 01/24/2008
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EXAMINER

GRAINGER, QUANA MASHELL

ART UNIT	PAPER NUMBER
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2852

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/760,296	Applicant(s) MITA, TAKURO	
	Examiner Quana M. Grainger	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,8,11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 2,5,6,9,10,12 and 15-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. ____. | 6) <input type="checkbox"/> Other: ____. |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3-30-2004,12-2-2005,11-3-2006,10-9-2007.

DETAILED ACTION

Drawings

1. The content of the drawings are approved to by the examiner.

Information Disclosure Statement

2. The information disclosure statement/s (IDS) submitted on 3-30-2004, 12-2-2005, 1-3-2006, and 10-9-2007 was considered by the examiner.

Title

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claims 1-20 recites an image forming apparatus but does not recite image forming means. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-4, 7-8, 11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kadani et al. (cited by applicant; JP10-240082A).

Kadani et al. teaches an image forming apparatus comprising: a controller for issuing commands representative of a plurality of kinds of instruction; an engine for executing image formation according to the command; a control portion for holding a condition status indicating an internal condition of the engine and a factor status indicating a factor of the condition status, or the factor status and for notifying, in response to the command, the condition status and the factor status, or the factor status; and judgment means for judging whether to adjust an image formation condition of the engine or not according to the condition status and the factor status, or the factor status (abstract; [0119-0132]; figures 1-2B).

Kadani et al. teaches an image forming apparatus comprising: a controller for issuing a plurality of commands; an engine for executing image formation according to the command; a control portion for holding a condition status indicating an internal condition of the engine and for notifying the controller of the condition status in response to the command; necessity judgment means for judging whether to adjust an image formation condition of the engine or not based on the condition status; and adjustment means for adjusting the image formation condition of the engine, wherein the control portion holds a factor status by which, when the necessity judgment means judges that a necessity is admitted for an adjustment of the image formation condition, whether or not the necessity involves immediate adjustment is judged and which indicates a factor of the condition status. The controller includes adjustment execution judgment means for judging whether or not the necessity involves the immediate adjustment based on the factor status; and, when the adjustment execution judgment means judges that the necessity

involves the immediate adjustment, the controller issues an adjustment execution command to the adjustment means. The image formation condition is related to a density control of an image (abstract). The image formation condition is related to a color component balance of a color image (abstract; density).

Kadani et al. teaches a control method for an image forming apparatus, comprising: notifying a condition status indicating an internal condition of an engine and a factor status indicating a factor of the condition status, or the factor status; and judging whether to adjust an image formation condition of the engine or not according to the notified condition status and factor status, or the notified factor status.

Kadani et al. teaches a control method for an image forming apparatus, comprising: issuing a plurality of commands using a controller; notifying a condition status indicating an internal condition of an engine in response to the command; judging whether to adjust an image formation condition of the engine or not based on the condition status; and notifying a factor status by which, when a necessity is judged admissible for an adjustment of the image formation condition, whether or not the necessity involves immediate adjustment is judged and which indicates a factor of the condition status. The control method for an image forming apparatus further comprising: judging whether or not the necessity involves the immediate adjustment based on the factor status and executing the adjustment when the necessity is judged to involve the immediate adjustment.

Allowable Subject Matter

7. Claims 2, 5-6, 9-10, 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 12 contains allowable subject matter.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Quana M Grainger

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QG